

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ AUG 7 - 2008 ★
F. #2007V00631
F. #2006R02223
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-X

UNITED STATES OF AMERICA

ORDER OF FORFEITURE

- against -

JOHN JOHANSEN,

06 CR 0800 (SLT)
08 CR 258 (SLT)

Defendant.

-X

WHEREAS, on or about August 5, 2008, the defendant, JOHN JOHANSEN, entered a plea of guilty to count five and eight of the Indictment 06-CR-0800, charging, a violation of 15 U.S.C. § 78j(b) and to counts one, two three, four and five of Indictment 08-CR-258, charging violations of 18 U.S.C § 371 and 15 U.S.C. § 78j(b).

WHEREAS, pursuant to his plea agreement, the defendant consents to the forfeiture of one million nine hundred twenty-seven thousand dollars (\$1,927,000) in U.S. currency (the "Forfeiture Money Judgment"), pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. 2461 (c), as property constituting or derived from proceeds obtained directly or indirectly as a result of his violation of 15 U.S.C. § 78j(b) and 18 U.S.C. § 371 and/or pursuant to 18 U.S.C § 981(a)(1)(c) and 28 U.S.C. § 2461 (c), as substitute assets;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, on consent,

by and between the United States and the defendant as follows:

1. The defendant shall forfeit to the United States the Forfeiture Money Judgment, pursuant to 18 U.S.C. § 981(a)(1)(c) and 28 U.S.C. 2461(c).

2. Upon entry of this Order, the United States Attorney General or his designee is authorized to seize payments made towards the Forfeiture Money Judgment, to conduct any proper discovery, in accordance with Fed. R. Crim. P. 32.2(b)(3) and (c), and to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

3. If the Forfeiture Money Judgment, or any portion thereof, is not paid on or before the sentencing date, interest shall accrue on any unpaid portion thereof at the judgment rate of interest from that date. The United States may seek to enforce this Order against any other assets of the defendant up to the value of the Forfeiture Money Judgment not forfeited pursuant to 21 U.S.C. § 853(p), the Federal Debt Collection Procedures Act, or any other applicable law.

4. The defendant agrees not to assert any claim or assist any other person to assert any claim to the Forfeiture Money Judgment in any administrative or judicial proceeding. The defendant also consents to the forfeiture to the United States of all assets, if any, in which he has an interest, but failed to disclosed on the Financial Statement provided to the United

States dated August 4, 2008, as property constituting or derived from proceeds traceable to the offense of conviction. Should undisclosed assets which the defendant owns or in which the defendant has an interest be discovered, the defendant knowingly and voluntarily waives his right to any required notice concerning the forfeiture of said assets, including notice set forth in an indictment or information. The defendant further knowingly and voluntarily waives his right, if any, to a jury trial on the forfeiture of the assets and monies forfeited hereunder, and waives any and all defenses to the forfeiture described in this Order, including, but not limited to, defenses based upon timeliness, double jeopardy, ex post facto application of any applicable statute, any applicable statute of limitations, or the Excessive Fines Clause of the Eighth Amendment.

5. Pursuant to the Fed. R. Crim. P. 32.2(b)(3), this Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

6. This Order shall be binding upon the defendant and the successors, administrators, heirs, assigns and transferees of the defendant, and shall survive the bankruptcy of any of them.

7. This Order shall be final and binding only upon the Court's "so ordering" of the order.

8. The Court shall retain jurisdiction over this action to enforce compliance with the terms of this Order.

9. The Clerk of the Court is directed to send, by inter-office mail, six certified copies of this executed Order to Assistant United States Attorney, Artemis Lekakis, United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza East, 7th Floor, Brooklyn, New York 11201.

Dated: Brooklyn, New York
August 5, 2008

s/ SLT
HONORABLE SANDRA L. TOWNES
UNITED STATES DISTRICT JUDGE